

REMARKS

Claims 1-36 are pending in the present application. The Examiner requires restriction of the present application to one of the following inventions:

Group 1: Claims 1, 5-10, 16, 21, 22, 26, 29, 30, 35 and 36, drawn to copper-based alloy casting satisfying $60 \leq \text{Cu} - 3.5 \times \text{Si} - 3 \times \text{P} \leq 71$;

Group 2: Claims 1, 5-10, 16, 21, 22, 26, 29, 30, 35 and 36, drawn copper-based alloy casting satisfying $60 \leq \text{Cu} - 3.5 \times \text{Si} - 3 \times \text{P} - 0.5 \times [\text{i}] + 0.5 \times [\text{ii}] \leq 71$;

Group 3: Claims 1, 5-10, 16, 21, 22, 26, 29, 30, 35 and 36, drawn copper-based alloy casting satisfying $60 \leq \text{Cu} - 3.5 \times \text{Si} - 3 \times \text{P} - 1.8 \times \text{Al} + a \times \text{Mn} + 0.5\text{Cr} \leq 71$; and

Group 4: Claims 4 and 13, drawn copper-based alloy casting satisfying $60 \leq \text{Cu} - 3.5 \times \text{Si} - 3 \times \text{P} - 0.5 \times [\text{i}] + 0.5 \times [\text{ii}] - 1.8 \times \text{Al} + a \times \text{Mn} + 0.5\text{Cr} \leq 71$ and $0.2 \times \text{Si} \leq \text{Mn} \leq 2.0 \times \text{Si}$, and $a = 0.5$.

The Examiner contends that the inventions listed as Groups 1-4 do not relate to a single general inventive concept under PCT RULE 13.1 because they lack the same or corresponding special technical features for the following reasons: the special technical features of each group of claims have to satisfy different inequalities. The Examiner thus contends that unity does not exist between Groups 1-4.

Applicant respectfully objects to the Examiner's restriction/election requirement because the Examiner's grouping is improper. Specifically, Groups 1-3 do not contain proper claims, drawn to copper-based alloy casting satisfying the claimed composition as disclosed in Groups 1-3 (e.g., claims 1, 2 or 3), respectively. In particular, Applicant believes that the following claims correspond to the groups of Groups 1-3:

Group 1: Claims 1, 5-10, 16, 21, 22, **25**, 26, 29, 30, 35 and 36, drawn to copper-based alloy casting satisfying $60 \leq \text{Cu} - 3.5 \times \text{Si} - 3 \times \text{P} \leq 71$;

Group 2: Claims 2, 11, 14, 17, 19, 23, 27, 31 and 33, drawn copper-based alloy casting satisfying $60 \leq \text{Cu} - 3.5 \times \text{Si} - 3 \times \text{P} - 0.5 \times [\text{i}] + 0.5 \times [\text{ii}] \leq 71$; and

Group 3: Claims 3, 12, 15, 18, 20, 24, 28, 32 and 34, drawn copper-based alloy casting satisfying $60 \leq \text{Cu} - 3.5 \times \text{Si} - 3 \times \text{P} - 1.8 \times \text{Al} + a \times \text{Mn} + 0.5\text{Cr} \leq 71$.

With this response, Applicant elects the invention of Group 1, claims 1, 5-10, 16, 21, 22, 25, 26, 29, 30, 35 and 36, for further prosecution on the merits. The election is made with traverse.

Applicant contends that all of the claims belonging to Groups 1-4 are in the same category of a copper-based alloy casting. According to page 5, paragraph [0018] of Applicant's disclosure as originally filed, an object of the present invention is to provide a copper-based alloy casting in which grains are refined to be 100 μm or less in the mean grain size after melt-solidification. In order to achieve the above object, independent claim 1 of Group 1 comprises a copper-based alloy casting including Cu, Zn, Si, P and Zr, and satisfying $60 \leq \text{Cu} - 3.5 \times \text{Si} - 3 \times \text{P} \leq 71$, wherein mean grain size after melt-solidification is 100 μm or less. The copper-based alloy casting as disclosed in independent claims 2-4 of Group 2-4, respectively, also comprises grains in the mean size of 100 μm or less after melt-solidification. Therefore, the presence (or absence) of additional elements and the composition of the additional elements in the copper-based alloy casting of independent claims 2-4 of Group 2-4, respectively, may pertain to an optional feature. Applicant thus contends that the inventions listed as Groups 1-4 relate to a single general inventive concept and the Examiner examine all of the claims together.

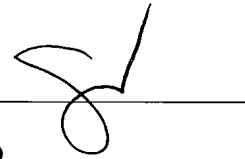
For all of the above reasons, the Examiner's restriction requirement should be withdrawn.

Questions are welcomed by the below-signed attorney for Applicant.

Respectfully submitted,

GRIFFIN & SZIPL, P.C.

Joerg-Uwe Szipl
Registration No. 31,799



GRIFFIN & SZIPL, P.C.
Suite PH-1
2300 Ninth Street, South
Arlington, VA 22204

Telephone: (703) 979-5700
Facsimile: (703) 979-7429
Email: gands@szipl.com
Customer No.: 24203